

## Subpart D—Review of License Applications

### § 110.40 Commission review.

(a) Immediately after receipt of a license application for an export or import requiring a specific license under this part, the Commission will initiate its licensing review and, to the maximum extent feasible, will expeditiously process the application concurrently with any applicable review by the Executive Branch.

(b) The Commissioners shall review a license application for export of the following:

- (1) A production or utilization facility.
- (2) More than one effective kilogram of high-enriched uranium, plutonium or U-233.
- (3) Nuclear grade graphite for nuclear end use.
- (4) 1,000 kilograms or more of deuterium oxide (heavy water), other than exports of heavy water to Canada.
- (5) An export involving assistance to end uses related to isotope separation, chemical reprocessing, heavy water production, advanced reactors, or the fabrication of nuclear fuel containing plutonium, except for exports of source material or low-enriched uranium to EURATOM or Japan for enrichment up to 5 percent in the isotope uranium-235, and those categories of exports which the Commission has approved in advance as constituting permitted incidental assistance.
- (6) The initial export to a country since March 10, 1978 of source or special nuclear material for nuclear end use.
- (7) An export involving over:
  - (i) 10 grams of plutonium, U-233 or high-enriched uranium;
  - (ii) 1 effective kilogram of low-enriched uranium;
  - (iii) Nuclear grade graphite for nuclear end use;
  - (iv) 250 kilograms of source material or heavy water; or
  - (v) 37 TBq (1,000 curies) of tritium, to any country listed in § 110.28 or § 110.29.
- (8) Any export subject to special limitations as determined by the staff or a majority of the Commissioners.

(c) If the Commission has not completed action on a license application within 60 days after receipt of the Ex-

ecutive Branch judgment, as provided for in § 110.41, or the license application when an Executive Branch judgment is not required, it will inform the applicant in writing of the reason for delay and, as appropriate, provide followup reports.

[43 FR 21641, May 19, 1978, as amended at 45 FR 51184, Aug. 1, 1980; 49 FR 47200, Dec. 3, 1984; 58 FR 13004, Mar. 9, 1993; 60 FR 37564, July 21, 1995; 70 FR 41939, July 21, 2005; 71 FR 15012, Mar. 27, 2006]

### § 110.41 Executive Branch review.

(a) An application for a license to export the following will be promptly forwarded to the Executive Branch for review:

- (1) A production or utilization facility.
  - (2) More than one effective kilogram of high-enriched uranium or 10 grams of plutonium or U-233.
  - (3) Nuclear grade graphite for nuclear end use.
  - (4) More than 3.7 TBq (100 curies) of tritium, and deuterium oxide (heavy water), other than exports of heavy water to Canada.
  - (5) One kilogram or more of source or special nuclear material to be exported under the US-IAEA Agreement for Cooperation.
  - (6) An export involving assistance to end uses related to isotope separation, chemical reprocessing, heavy water production, advanced reactors, or the fabrication of nuclear fuel containing plutonium, except for exports of source material or low-enriched uranium to EURATOM and Japan for enrichment up to 5 percent in the isotope uranium-235, and those categories of exports approved in advance by the Executive Branch as constituting permitted incidental assistance.
  - (7) The initial export of nuclear material or equipment to a foreign reactor.
  - (8) An export involving radioactive waste.
  - (9) An export to any country listed in § 110.28 or § 110.29.
  - (10) An export subject to special limitations as determined by the Commission or the Executive Branch.
- (b) The Executive Branch will be requested to: